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module. Classification of flows is not new. As stated in the Background, networks employ classification mechanisms to differentiate among different flows and apply different treatment to different classes of flows to achieve a desired result. Page 2, lines 3-10. The presently claimed invention distinguishes Yu because the classification rule engine is configurable to reclassify a data flow based on comparisons between reconfigurable rules and pre-specified values. Operation of one such rule engine is described in the specification from page 9, line 16 to page 10, line 3. In the example, the classification of the TCP flow defaults to the IQR class and may transition, i.e., reclassify, to Burst class if the traffic monitoring mechanism detects at least two consecutive packets having a size greater than or equal to LONG. Upon detection of ten consecutive packets having size greater than or equal to LONG the flow is reclassified again from Burst class to Bulk class. The rules which trigger the reclassification are reconfigurable. Hence, the classification rule engine is both dynamic and reconfigurable. Such a classification rule engine is not taught by Yu. Yu teaches that the application's flow classification logic keeps track of the flow's state **until** a matching criteria is met. Col. 4, lines 62-64. It is therefore implied that the classification logic does not keep track of the flow's state after a matching criteria is met.

The distinguishing features discussed above are recited in the claims. For example, claim 1 distinguishes Yu by reciting "a configurable classification rule engine for initially classifying said data flow into one of a plurality of traffic classes based on results of said comparisons between said rules and said pre-specified values, and subsequently reclassifying said data flow into a different one of the plurality of traffic classes based on different results of said comparisons." Similarly, claim 15 distinguishes Yu by reciting "initially classifying, by a configurable classification rule engine, said data flow into one of a plurality of traffic classes

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based on results of said comparisons between said rules and said pre-specified values, and

subsequently reclassifying said data flow into a different one of the plurality of traffic classes

based on different results of said comparisons." Claims 2-9, 11, 12, 16-23, 25, 29-37, 39 and 40

are dependent claims which recite further distinguishing features and are allowable for the same

reasons stated with regard to claims 1 and 15 on which they directly or indirectly depend. The

Office is therefore requested to withdraw the rejection of claims 1-6, 11-12, 15-20, 25-26, 29-34

and 39-40 under 35 U.S.C. §102(e) as being unpatentable over Yu.

Claims 8-9, 22-23 and 36-37 were rejected under 35 U.S.C. §103(a) as being

unpatentable over Yu in view of Taniguchi. Like Yu, Taniguchi fails to teach a classification

rule engine which is both dynamic and reconfigurable. Indeed, Taniguchi appears to teach

transmission rate adjustment based on node performance rather than flow classification. Because

both Yu and Taniguchi fail to teach a dynamic and reconfigurable rule engine, the combination

also fails to teach or suggest the presently claimed invention. In particular, claims 8-9, 22-23 and

36-37 are dependent claims which recite further distinguishing features and are allowable for the

same reasons stated above with regard to claims 1 and 15 on which they directly or indirectly

depend. The Office is therefore requested to withdraw the rejection of claims 8-9, 22-23 and 36-

37.

The Office Action indicates on page 7 that there is a rejection under 35 U.S.C. §112,

second paragraph. However, Applicant is unable to find any indication of the focus of the

rejection, i.e., there is no indication of which claims and language are subject to the rejection.

Further, Applicant is unable to find any problem with the claims. It is therefore assumed that the

rejection language on page 7 of the OA is an artifact from some other document or template.

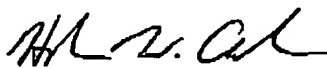Serial No. 09/717,292   - 4 -   Art Unit: 2667

Applicants have made a diligent effort to place the claims in condition for allowance.

However, should there remain unresolved issues that require adverse action, it is respectfully

requested that the Examiner telephone Holmes W. Anderson, Applicants' Attorney at 978-264-

6664 so that such issues may be resolved as expeditiously as possible.

For these reasons, and in view of the above amendments, this application is now

considered to be in condition for allowance and such action is earnestly solicited.

Respectfully Submitted,

19 August 2004
Date

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